

**TOWN OF HUDSON
COMMERCIAL AUTOMOBILE GRAVEYARD
AND
JUNKYARD ORDINANCE**

Adopted December 12, 1989

Amended 3-21-98

TOWN OF HUDSON

Commercial Automobile Graveyard and Junkyard Ordinance

Article 1. DEFINITIONS

As used in this Ordinance, unless a different meaning is plainly required, the following words and variants thereof have the following meanings.

1. **COMMERCIAL AUTOMOBILE GRAVEYARD:** Any land used for the storage of:
 - A. Three or more motor vehicles or parts thereof that are discarded, worn out, unserviceable or junked; or
 - B. Three or more unregistered vehicles. This subsection does not apply to licensed motor vehicle dealers or to vehicles described and used in accordance with 29 M.R.S.A. § 255.
2. **COMMERCIAL JUNKYARD:** Any land that is used for the storage of any materials that have been discarded from their generally accepted common use and is located in the town of Hudson.
3. **MOTOR VEHICLE:** Shall have the same meaning as set out in 29 M.R.S.A. § 1 §§ 7.
4. **PERSON:** Shall have the same meaning as set out in 17A M.R.S.A. § 2.
5. **OPERATOR:** Any person who operates an automobile graveyard or junkyard.
6. **OPERATE:** Means to either operate a commercial automobile graveyard or junkyard or to own or lease real estate on which a commercial automobile graveyard or commercial junkyard is located.
7. **BODY OF WATER:** Naturally standing water to include swamps, bogs, ponds, streams, rivers, and lakes.
8. **Definitions, where applicable, shall have the same meaning as set out in 30 M.R.S.A. § 3752.**

Article II. PURPOSE

2.1 This Ordinance is enacted to provide adequate controls to insure that commercial automobile graveyards and junkyards do not have a deleterious impact on the health, safety, and general welfare of the residents of the town of Hudson, Maine.

Article III. AUTHORITY

3.1 This Ordinance is enacted pursuant to Title 30-A M.R.S.A. § 3001.

Article IV. APPLICABILITY

4.1 This Ordinance shall apply to all commercial automobile graveyards and commercial junkyards as defined in Title 30-A M.R.S.A. § 3752.

Article V. REQUIREMENTS

5.1 No person may operate a commercial automobile graveyard or commercial junkyard within the Town of Hudson unless licensed by the Town of Hudson to operate a commercial automobile graveyard or commercial junkyard.

5.2 A person may apply to the Board of Selectmen for the Town of Hudson for a commercial automobile graveyard or commercial junkyard license.

5.3 REQUIREMENT FOR APPLICATION: The applicant shall present the following materials to the selectmen at least fifteen (15) days prior to the public hearing:

A. A site plan providing the following information:

1. Existing boundary lines of the property given in feet, and any right of ways, including all utilities.
2. Proof of the owner of the property.
3. A report by a Certified Geologist stating the land is suitable for a commercial automobile graveyard or commercial junkyard.
4. Location of any residence within 1000 feet of the proposed commercial automobile graveyard or commercial junkyard.
5. Location of any school, church or cemetery within 1000 feet of the proposed commercial automobile graveyard or commercial junkyard.
6. Location of any body of water within 1000 feet of the property line.
7. North arrow.
8. Location of map insert at a scale of 1" = 100'.
9. Date of map and map number.
10. Soil types and percolation tests on the proposed location, performed by a Registered Soil Scientist.
11. Location of flood zones and their boundaries within the Federal Management Flood Insurance Rate Maps for the Town of Hudson.
12. Water tests for all residents within 1000 feet of the applicants boundary, tested for hydrocarbons, every year.

13. Proof that the proposed site is not over or within 250' of a sand or gravel aquifer or aquifer recharging area, or a fractured bedrock aquifer.

14. Emergency evacuation plan for the facility and local residents, approved by the Maine State Fire Marshall's Office.

5.4 NOTIFICATION OF ABUTTERS: The applicant shall also notify all property owners within 100 feet of the property line by Certified Mail, Return Receipt Requested at least fifteen (15) days prior to the public hearing, at the applicant's expense.

Article VI. ADMINISTRATION

6.1 The selectmen of the Town of Hudson have the responsibility for the administration of this ordinance and shall issue no license unless the provisions of this ordinance are complied with. The Selectmen may attach reasonable conditions to any license that is issued to insure compliance with the performance standards and other requirements of this ordinance.

6.2 The Selectmen shall be required to conduct a Public Hearing before granting the applicant a license to operate a commercial automobile graveyard or commercial junkyard. There shall be adequate notice given and such notice shall be posted a minimum of seven days and not more than fourteen days prior to said hearing. The notices shall be posted in at least two places commonly used for postings within the Town of Hudson and in one newspaper of general circulation within the town. The Selectmen shall also be required to notify the Maine Department of Transportation in writing of the date of the hearing and supply a copy of the application.

6.3 The Selectmen shall conduct the hearing in accordance with the rules set forth for the "Conduct of Hearing" as described in Maine Department of Transportation Bulletin R/W-201.

6.4 There shall be an application fee of \$100.00 made payable to the Town of Hudson. In addition to the application fee, the applicant, prior to any public hearing, shall also be required to pay for the public notification in a local newspaper of general circulation within the Town of Hudson, as well as any and all cost associated with the posting of notices for the public hearing. All application fees and costs are non-refundable.

6.5 The Selectmen shall not issue a license unless the applicant has complied with all the application requirements. The selectmen shall not issue a license unless the applicant, by clear and convincing evidence, proves that the applicant's automobile graveyard or junkyard complies with this ordinance.

6.6 The license, once issued, ~~expires on the anniversary date and may be renewed by the Selectmen expires on 31 Dec of that year. on the date of issuance.~~ The fee for renewal of the license shall be \$100.00. the Selectmen shall deny a license renewal if the applicant has operated in violation of this ordinance. (Amend 1, 3-21-98)

6.7 The Selectmen shall not renew a license unless they have inspected the automobile graveyard or junkyard and determined that the automobile graveyard or junkyard is in compliance with all performance standards.

6.8 Automobile graveyards or junkyards existing prior to the enactment of this ordinance are not exempt from the provisions of this ordinance. The Selectmen shall not

issue a license to any pre-existing automobile graveyard or junkyard unless the applicant meets all the requirements of this ordinance.

6.9 the Board of Selectmen must adhere to Title 30-A, M.R.S.A. § 3751 - 3760 as well as the Recommendations of the Maine Department of Transportation Informational Bulletin R/W-201, or any revisions of the Maine Department of transportation dealing with automobile graveyards and junkyards.

Article VII. PERFORMANCE STANDARDS

7.1 The following standards shall apply to all commercial automobile graveyards or commercial junkyards within the Town of Hudson.

7.2 VISUAL SCREENING: All commercial automobile graveyards or commercial junkyards shall maintain screening in accordance with the Department of Transportation regulations governing screening as defined in Section 2454 paragraph 2A.

7.3 HAZARDOUS MATERIALS: All hazardous materials shall be treated in accordance with State and Federal Rules governing the storage, handling, and disposal of such hazardous wastes and all techniques as recommended by the Maine Department of Environmental Protection as well as the Federal Environmental Protection Agency. In addition to the State and Federal regulations, the Town of Hudson regulations shall also be adhered to as part of the requirement:

A. Upon receiving any vehicle or material, the operator shall immediately drain the fluids from the vehicle or other material and place into categorized containers identified as to their contents. These containers must be sealed and water tight.

B. All fluids are required to be recycled or disposed of in accordance with Federal and State regulations.

C. All batteries shall be removed from vehicles and stored in an approved constructed building with the recommended Maine State Department of Environmental Protections' standards for concrete flooring. At no time may the operator of any automobile graveyard or junkyard allow the maximum amount of battery acid by weight to exceed the approved Maine Department of Environmental Protection limits.

7.4 NOISE POLLUTION: To reduce noise pollution, the following regulation shall be adhered to:

A. there shall be no dismantling of any automobile, truck or other mechanical or non-mechanical device outside of any portion of the land used as an automobile graveyard or junkyard.

ARTICLE VIII. ENFORCEMENT AND VIOLATIONS

8.1 The enforcement of this Ordinance shall be the responsibility of the Code Enforcement Officer for the Town of Hudson, the Selectmen of the Town of Hudson or a Code Enforcement Officer appointed by the Selectmen.

8.2 VIOLATIONS: No person may operate a commercial automobile graveyard or commercial junkyard

- A. within 100' of the right of way of any public way;
- B. within 50' of the operator's property line;
- C. over or within 250' of a sand or gravel aquifer or aquifer recharging area, or fractured bedrock aquifer;
- D. within 1000' of a school, church, cemetery or public building;
- E. in violation of the performance standards of this ordinance or the conditions of the commercial automobile graveyard or commercial junkyard license;
- F. without a Commercial Automobile Graveyard or Commercial Junkyard license.
- G. unless the property is owned by the applicant.
- H. on land determined to be unsuitable for its proposed use by a certified geologist or soil scientist.
- I. within 300' of a private water supply.
- J. within a flood zone.
- K. within 1000 feet of a body of water.

Any person who violates this Article commits a civil violation and shall be punished by a fine and in accordance with special rule 80K of the Maine rules of Civil Procedure. The minimum fine shall be \$100.00 and the maximum fine shall be \$2,500.00. Each days occurrence shall be considered a separate and distinct offense.

Article IX. EFFECTIVE DATE

9.1 The effective date of this Ordinance shall be the date it is adopted by the Legislative Body and the Town of Hudson.

Article X. AMENDMENTS

10.1 The Legislative Body of the Town of Hudson may, by a majority vote, amend this Ordinance.

Article XI. CONFLICTS

11.1 If the provisions of this Ordinance are in conflict with State or Federal Rules, Laws, or Regulations, the more strict Rules, Laws, or Regulations shall apply.

Article XII. SEVERABILITY

12.1 If any provision or clause of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are declared to be severable.

Article XIII. EXEMPTION

13.1 The Hudson Town Dump will be exempt from this Ordinance.

TOWN OF HUDSON

Application For Automobile Graveyard and/or Junkyard Permit
MUNICIPAL OFFICE USE ONLY

Tentative Date of Hearing _____
Time of Hearing _____
Place of Hearing _____
Notifications sent by _____

Application Received _____
Permit No. _____
Fee \$ 100.00 Fee Paid \$ _____
Date _____

The applicant is also required to pay for advertising the hearing prior to the public hearing.

To the Town of Hudson, Penobscot County, Maine

I/We _____ hereby make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30A, Sections 3752 to 3759, Chapter 183, M.R.S.A. and the Town of Hudson Commercial Automobile Graveyard and Junkyard Ordinance.

Answer all questions in full:

1. Give location of Automobile Graveyard and/or Junkyard (Tax map & lot number, street address)
2. Is this application made by or for a company, partnership, corporation-individual?
3. Is this property leased? ____Property owned by _____ Address: _____
4. How is "yard" screened? Fence (type) ____Height ____Trees? (type) ____Embankment? ____Gully? Hill? ____Other? ____
5. How far is the edge of the "yard" from center of highway? _____
6. Can junk be seen from any part of highway? _____
7. Was Junkyard law, Requirements, and Fees and the Town of Hudson Commercial Automobile Graveyard and Junkyard Ordinance, explained to you?
8. Is any portion of this "yard" on public property? _____
9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? _____
10. When was "yard" established? ____By whom? _____
11. Size of "yard". _____
12. When was last permit issued? ____By whom? _____
13. In accordance with the Town of Hudson Commercial Automobile Graveyard and Junkyard Ordinance, the applicant must present the following materials to the selectmen at least fifteen (15) days prior to the public hearing:
 - A. A site plan providing the following information:

1. Existing boundary lines of the property given in feet, and any right of ways, including all utilities.
2. Proof of the owner of the property.
3. A report by a Certified Geologist stating the land is suitable for a commercial automobile graveyard or commercial junkyard.
4. Location of any residence within 1000 feet of the proposed commercial automobile graveyard or commercial junkyard.
5. Location of any school, church or cemetery within 1000 feet of the proposed commercial automobile graveyard or commercial junkyard.
6. Location of any body of water within 1000 feet of the property line.
7. North arrow.
8. Location of map insert at a scale of 1" = 100'.
9. Date of map and map number.
10. Soil types and percolation tests on the proposed location, performed by a Registered Soil Scientist.
11. Location of flood zones and their boundaries within the Federal Management Flood Insurance Rate Maps for the Town of Hudson.
12. Water tests for all residents within 1000 feet of the applicants boundary, tested for hydrocarbons, every year.
13. Proof that the proposed site is not over or within 250' of a sand or gravel aquifer or aquifer recharging area, or a fractured bedrock aquifer.
14. Emergency evacuation plan for the facility and local residents, approved by the Maine State Fire Marshall's Office.
15. Proof that all conditions of previous permits have been met.

14. The applicant shall also notify all property owners within 100 feet of the property line by Certified Mail, Return Receipt Requested at least fifteen (15) days prior to the public hearing, at the applicant's expense.

The undersigned certifies that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: _____ For: _____ Address: _____